

**MINUTES OF THE PUBLIC MEETING OF THE
CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA
PLANNING COMMISSION**

**COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE**

**THURSDAY, JUNE 4, 2009
7:00 P.M.**

I. CALL TO ORDER

Chairperson Michele Tennyson called the meeting to order at approximately 7:00 p.m.

II. ROLL CALL

Chairperson Tennyson conducted roll call with the following results:

MEMBERS PRESENT: Michele Tennyson, Chairperson
Patrick Sutliff, Vice Chairperson
Brad Hendrix
John Kolodziej
William Shaffer
Raymond Spitzer

MEMBERS ABSENT: Doug Ward

STAFF PRESENT: Deborah Mazoyer, Acting Deputy City Manager for
Community Development
Jon M. Froke, AICP, Planning Director
Garn Emery, Deputy City Attorney
Tabitha Perry, Principal Planner
Bill Luttrell, Senior Planner
Hetal Patel, Planning Intern
Lisa Hunt, Recording Secretary

III. APPROVAL OF MINUTES

Chairperson Tennyson explained policies, procedures and called for approval of minutes from the Planning Commission meetings conducted on March 5, 2009.

Vice Chairperson Patrick Sutliff MADE a MOTION to APPROVE the minutes from the Planning Commission workshop and public meeting conducted on March 5, 2009. Commissioner Brad Hendrix SECONDED the MOTION. The motion carried unanimously.

IV. WITHDRAWALS AND CONTINUANCES

Chairperson Tennyson asked staff if there were any requests for withdrawals or continuances. There were none.

V. PUBLIC HEARING ITEMS

Chairperson Tennyson called for the public hearing items.

1. **CUP09-02:** A request by Pew & Lake, P.L.C., representing Maricopa County Financial L.P., for the approval of a Conditional Use Permit (CUP) to operate a pawn shop. The site is located in the Fry's Plaza at the southwest corner of 43rd Avenue and Bethany Home Road (5854 North 43rd Avenue). The proposed business will occupy a 3,742 square-foot tenant space located in the most westerly portion of the shopping center. Staff Contact: [Bill Luttrell](#), Senior Planner (Cactus District).

Mr. Bill Luttrell, Senior Planner, presented the staff report. The Planning Department mailed notification letters to adjacent property owners and interested parties on March 19, 2009 informing them of the application. The applicant and the Planning Department received responses regarding the proposal and the sale of firearms. In order to address the neighborhood's concerns, a meeting was held on April 7, 2009. No one from the neighborhood attended the meeting. This request meets the required CUP findings for approval and should be approved, subject to staff's stipulations as listed in the staff report. Staff recommends the Planning Commission recommend approval of this request.

Chairperson Michele Tennyson called for questions from the Commission.

Commissioner William Shaffer asked staff how close another pawn shop was to this location. Mr. Luttrell responded that the nearest shop was located on the northeast corner of 43rd Avenue and Bethany Home Road. Commissioner Shaffer asked if there were any others located within a two mile radius. Mr. Luttrell stated that he was not aware of any; however, he was not positive. He said that the applicant might have further information on the issue.

Chairperson Tennyson asked for clarification on the differences between a pawn shop and a consignment store. Mr. Luttrell explained a pawn shop was similar to a second hand store, which sells appliances, guitars and like items with the exception of firearms. He noted that consignment stores were similar.

Vice Chairperson Patrick Sutliff asked if the pawn shop would also be dealing as a payday loan entity. Mr. Luttrell stated that it would not.

Chairperson Tennyson asked the applicant to come forward and make a presentation.

Mr. Reese Anderson, applicant's representative, attorney with the law firm of Pew & Lake, P.L.C, stated that he appreciated the well prepared staff report and agrees with the findings and

facts. He referred to the neighborhood meeting they offered for the public and thanked staff for attending. He added that he welcomes anyone to come forward at this time with any comments or questions since no one from the neighborhood attended the public meeting. He asked the Commission for their support and approval of this application. He asked for any questions from the Commission.

Vice Chairperson Sutliff asked if they would also be selling ammunition. Mr. Anderson asked Mr. Chip Ross, applicant, to explain. Mr. Ross stated that they had not made a definitive decision on the issue. He noted they did operate some stores which sell ammunition and found that selling ammunition did not create a problem or add crime to the area. He indicated that if sold, they would segregate it in a specific area.

Commissioner Raymond Spitzer inquired as to the closest pawn facility to this location. Mr. Ross explained he was not sure, however, believed it was on a major intersection and added that he did not know the area well. Mr. Luttrell interjected stating that the nearest pawn shop was at the intersection of 43rd Avenue and Keim Drive. The facility is ¼ mile north of the location.

Chairperson Tennyson asked what percentage of income will come from common, everyday items verses income from firearm sales. Mr. Ross explained in this business, it took a mix of both items to be able to make cash loans and were not heavy to one way or the other. He indicated that typically, firearm sales will make up 5 to 15 percent; however, it depends on the community. Chairperson Tennyson inquired as to what the store's primary focus will be regarding the majority of the items sold. Mr. Ross explained firearms would not be their primary focus and in actuality, the firearms will be displayed in a small area of the store to the rear. They will also be displayed behind the counter where there was no access to the firearms by the public. The firearm area will be approximately 6 feet in width with two tiers and cable locked at all times. He added that the firearm half vision display case will be made of anti-crash material. Chairperson Tennyson asked if there will be additional safety measures put in place to protect the employees. Mr. Ross stated that all employees were educated in the standards and requirements under firearm laws. He explained the safety procedures used in showing firearms as well as asking for proper identification. He noted they only show one firearm at a time and lock the case while showing the weapon. Additionally, most stores place the firearms in an impenetrable vault at night as an additional safety precaution.

Chairperson Tennyson asked how many stores they had in the Greater Phoenix area and the percentage of robberies or altercations on the premises. Mr. Ross responded that they have eight stores operating in the Phoenix area. He explained they had recently purchased the last two at the urging of the Bureau of Alcohol, Tobacco and Firearm because of their excellent reputation. He noted they've had one armed robbery where approximately \$6,000 in jewelry was stolen and one truck break-in which took no firearms because of the safety procedures in place.

Commissioner Spitzer inquired as to the procedures used when someone brings in a firearm to pawn or to purchase. He asked if serial numbers were checked and background checks made before a sale. Mr. Ross stated that they were required by law to check the serial number. He explained that should the serial number be defaced, they will notify the authorities. He indicated

they were required to record all information in a log book. In addition, anyone who applies to purchase a firearm is required to have a background check done by the FBI, which notifies them if the application is approved. The process could take several days. He explained that this applied to law enforcement offices as well, unless given special permission from their superiors. He noted there was a great deal of thoughtfulness and attention to detail that came into this procedure of checking weapons.

Commissioner Spitzer asked if they checked the serial number of a weapon being pawned. Mr. Ross stated that they did not; however, it would be one less weapon off the streets. In addition, if they come back to retrieve the weapon, they do a check. He noted there were times when an individual has pawned a weapon and could not retrieve it later.

Commissioner Spitzer reiterated it was important to check serial numbers and that might not happen if the weapon is pawned and not sold or redeemed. Mr. Ross explained they were required to send their pawn tickets to the local law enforcement agency, which matches the items to their database and crime center computer which matches stolen property. He indicated that stolen property made up less than one percent, a very small percentage, of business. He said that the best thing to do is let them bring in the stolen property and it will quickly be found.

Vice Chairperson Sutliff asked if their operation was a local or national franchise. Mr. Ross stated that their headquarters was in Austin, Texas. He said that they had come into the market over three years ago and employed many Arizona citizens. He noted that they were not a national chain; however, they do operate 11 stores in Texas.

Chairperson Tennyson asked for any additional questions or comments from the Commission. There were none.

Chairperson Tennyson opened the public hearing.

Mr. Gary Palmerano, residing at 6246 North 43rd Avenue, Glendale, stated that he was the owner of the other pawn shop located ¼ mile north of 43rd Avenue and Bethany Home Road and owns another store in Phoenix. He indicated that guns were a big part of the business and added that he also puts his guns away every night in a safe. However, they have broken into his shop three times already and have managed to get into his safe and steal twenty guns. He said that he was here as a citizen and was concerned about the saturation factor and to express his opinion. Vice Chairperson Sutliff inquired as to the time frame of the break-ins. Mr. Palmerano responded that in two and a half years, he has had three break-ins.

Chairperson Tennyson asked if he sold ammunition. Mr. Palmerano replied that he did, although it was not a big percentage of their business. He noted that one thing he had found out being in this business, was that the more guns you carry, the bigger target you are. Chairperson Tennyson asked what he had done to improve his security. Mr. Palmerano stated that they have purchased better safes, better security equipment, additional motion detectors, and that they keep in constant communication with the police patrolling the area. He stated that he was trying to be proactive and one step ahead.

Chairperson Tennyson asked if he had ever been robbed at gun point with his own guns and ammunition in the store. Mr. Palmerano stated that he had not been and explained that he had recently installed a buzzer system to let people in and out as an additional precaution.

Commissioner Brad Hendrix asked what percentage of his revenue was brought in from firearms. Mr. Palmerano stated that it was approximately 25 to 30 percent.

Chairperson Tennyson asked for any additional questions from the Commission or the public. There were none.

Chairperson Tennyson asked the applicant's representative for a closing comment. Mr. Anderson thanked the neighborhood for welcoming them and asked if anyone had any further questions based on Mr. Palmerano remarks.

Vice Chairperson Sutliff asked Mr. Ross if they had a buzzer system as a safety precaution. Mr. Ross indicated that they believed it was not necessary since they already have a cage system. He explained that they have been in this business for over 30 years and have great experience in the operation of this business. He stated that they have never lost a firearm in an armed robbery or burglary, ever. He explained that the differences in store operations from one pawn shop to another. He noted that they were very mindful of the security as it applies to new trends and processes. He added that they had video systems in all of their stores, and were able to monitor their stores from any place in the world.

Commissioner Spitzer asked Mr. Ross if he was aware of the pawn shop that was ¼ mile north of this location. Mr. Ross stated that he was aware of the store Ms. Tabitha Perry, Principal Planner, noted in the procedure process; however, he was not sure if it was the same store. Chairperson Tennyson confirmed that it was the same location.

Chairperson Tennyson closed the public hearing.

Chairperson Tennyson commented that she had given this item careful consideration both as a member of the Planning Commission and her personal philosophy. She noted that she had come from a family where her father loved guns and had tried to teach her, to no avail. She explained that the media has created a certain aura of danger associated with pawn shops. She stated that there was a part of her that did not like guns and perhaps did not like to see pawn shops in the community for that reason. However, there were places like Cabela's, a large popular sporting goods store, which also sold guns. She noted that she had come to the conclusion that both stores had the right to sell guns, even if one was popular, while the other had a different appearance and a different label. She added that she would personally feel better if they did not sell ammunition. She suggested that possibly some time in the future, the City of Glendale might want to revisit their policy on guns and give it more consideration.

Commissioner Spitzer remarked that the issue for him was more of the same stores being so close together, causing saturation in an area. He explained that he was not bothered that Cabela's

or Wal-Mart sold guns, but that there was already a business of this type in the area and whether it was needed in the community.

Chairperson Tennyson asked Mr. Luttrell if there was anything in the ordinance or master plan that addresses saturation of this type. Mr. Luttrell stated that there were no separation requirements for pawn shops; however, there were requirements for payday loan companies. He added that by right, a gun shop can go into any commercial district without the approval of a conditional use permit.

Commissioner Shaffer remarked that a conditional use permit was used to control the types of businesses and the concentration of business in any one location. He stated that he personally feels they already have one shop of that type in the area and he did not like to see concentrations of this type of businesses.

Chairperson Tennyson called for a motion on CUP09-02.

Commissioner William Shaffer MADE a MOTION to APPROVE Case No. CUP09-02 subject to the stipulations as recommended by staff. Vice Chairperson Patrick Sutliff SECONDED the motion. The motion was inconclusive. Vice Chairperson Sutliff and Commissioners Kolodziej and Hendrix voted “aye”. Chairperson Tennyson and Commissioners Spitzer and Shaffer voted “nay”.

Chairperson Tennyson asked for legal guidance on the matter.

Mr. Garn Emery, Deputy City Attorney, stated that since the motion was inconclusive, the matter will be tabled pending further advisory from the City Attorney’s Office.

Chairperson Tennyson stated that the matter of Case No. CUP09-02 has been tabled and that she will look forward to seeing it brought forward at a later time.

VI. OTHER BUSINESS

Chairperson Tennyson called for other business. There was none.

VII. PLANNING STAFF REPORT

Chairperson Tennyson called for the Planning staff report. Ms. Tabitha Perry, Principal Planner, asked for a motion from the Commission to vacate the July 2, 2009, workshop and public meeting.

Chairperson John Kolodziej MADE a MOTION to VACATE the July 2, 2009, workshop and public hearing, as recommended by staff. Vice Chairperson Patrick Sutliff SECONDED the motion. The motion carried unanimously.

Ms. Perry reminded everyone of the public meeting on June 18, 2009.

VIII. COMMISSION COMMENTS AND SUGGESTIONS

Chairperson Tennyson called for Commission comments and suggestions. There were none

IX. ADJOURNMENT

Chairperson Tennyson called for any other comments, reports, or further business. As there were none, the meeting adjourned at 7:45 p.m.

Lisa Hunt, Recording Secretary